



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

August 3, 2004

Nancy Wrona
Director, Air Quality Division
Arizona Department of Environmental Quality
1110 W. Washington Street
Phoenix, Arizona 85007

Dennis Smith
Executive Director
Maricopa Association of Governments
302 North 1st Avenue, Ste. 300
Phoenix, Arizona 85003

Dear Ms. Wrona and Mr. Smith:

We have found adequate for transportation conformity purposes the motor vehicle emissions budgets in the *One-Hour Ozone Redesignation Request and Maintenance Plan for the Maricopa County Nonattainment Area* (March 2004) ("2004 MAG Ozone Maintenance Plan"). As a result of our adequacy finding, the Maricopa Association of Governments (MAG) and the U.S. Department of Transportation are required to use these budgets in future conformity analyses.

On March 2, 1999, the United States Court of Appeals for the District of Columbia Circuit issued a decision on *Environmental Defense Fund v. Environmental Protection Agency*, No. 97-1637, that we must make an affirmative determination that the submitted motor vehicle emissions budgets contained in State Implementation Plans (SIPs) are adequate before they are used to determine the conformity of Transportation Improvement Programs or Long Range Transportation Plans. In response to the court decision, we are making any submitted SIP revision containing a control strategy or maintenance plan available for public comment and responding to these comments before announcing our adequacy determination. The conformity rule was recently changed to reflect the procedures we have been using since the court decision. See 69 Fed. Reg. 40004 (July 1, 2004) and related correction notice at 69 Fed. Reg. 43325 (July 20, 2004).

The Arizona Department of Environmental Quality (ADEQ) submitted the 2004 MAG Ozone Maintenance Plan to EPA by letter dated April 21, 2004, and we received this plan on May 6, 2004. The plan identifies NOx motor vehicle emissions budgets (calculated for a Tuesday in August) of 104.8 metric tons per day (mtpd) in 2006 and 53.6 mtpd in 2015, and VOC motor vehicle emissions budgets (also calculated for a Tuesday in August) of 71.9 mtpd for 2006 and 48.7 mtpd in 2015. We announced receipt of the plan on the Internet and requested

public comment by June 7, 2004. We did not receive any comments on the plan during that comment period.

This letter transmits our decision that the motor vehicle emissions budgets in the 2004 MAG 1-Hour Ozone Maintenance Plan are adequate for transportation conformity purposes. In reaching our decision, we have reviewed the maintenance plan, including responses to public comments on the plan, and have preliminarily determined that it will provide for the maintenance of the ozone NAAQS for at least 10 years after redesignation.

We have enclosed a table that summarizes our evaluation of the plan with respect to our budget adequacy criteria and will soon post this information on the Internet at: <http://www.epa.gov/otaq/transp/conform/pastsips.htm>. We will also announce this adequacy determination in the Federal Register. This determination will become effective 15 days after the Federal Register announcement.

If you have any questions regarding this decision, please contact Wienke Tax at (520) 622-1622 or Colleen McKaughan at (520) 498-0118.

Sincerely,

/s/ Deborah Jordan

Deborah Jordan
Director, Air Division

Enclosure (Adequacy Review)

cc: Bob O'Loughlin, FHWA
Ed Stillings, FHWA
Leslie Rogers, FTA
Beverly Chenausky, ADOT
Lindy Bauer, MAG
Mohan Toopal, ADEQ

Enclosure

Transportation Conformity Adequacy Review

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| Control Strategy or Maintenance SIP under Review: MAG 2004 1-Hour Ozone Redesignation Request and Maintenance Plan | Date of SIP Revision Receipt by EPA: 5/6/2004 |
| Reviewers: Wienke Tax, Scott Bohning | Date: 6/04 |
| Adequacy Review Criteria | Is Criterion Satisfied? Y/N |
| Sec. 93.118(e)(4)(i) | The plan was endorsed by the Governor (or designee) and was subject to a public hearing. |

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| Sec. 93.118(e)(4)(ii) | <p>The plan was developed through consultation with federal, State and local agencies; full implementation plan documentation was provided and EPA's stated concerns, if any, were addressed.</p> | Y | <p>The process used for consultation with federal, State and local agencies and the public is described and documented on page 2-19 of the maintenance plan, and in more detail in Chapter 10, Public Participation, of the <i>Revised MAG 1999 Serious Area Carbon Monoxide Plan for the Maricopa County Nonattainment Area</i> (March 2001) (i) 2001 MAG CO Attainment Plan), which was submitted to EPA as a revision to the Arizona SIP by letter dated April 18, 2001. The reliance by the 2004 MAG Ozone Maintenance Plan on the public participation process described in the 2001 MAG CO Attainment Plan is appropriate given the extent to which the ozone maintenance strategy relies on the measures developed as part of the CO plan. Appendix C, Exhibit 1 of the maintenance plan contains the actual public comments received on the plan and responses to those comments. The responses adequately address all comments received.</p> |
| Sec. 93.118(e)(4)(iii) | <p>The motor vehicle emissions budget(s) is clearly identified and precisely quantified.</p> | Y | <p>The motor vehicle budgets are clearly identified and precisely quantified on pages ES-3, ES-9 and 3-15 of the plan.</p> |

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| Control Strategy or Maintenance SIP under Review: MAG 2004 Ozone Redesignation Request and Maintenance Plan | Date of SIP Revision Receipt by EPA: 5/6/2004 |
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| Reviewers: Wienke Tax, Scott Bohning | Date: 6/04 | |
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| Adequacy Review Criteria | Is Criterion Satisfied? Y/N | Reference in SIP Document / Comments |
| Sec. 93.118(e)(4)(iv) | The motor vehicle emissions budget(s), when considered together with all other emissions sources, is consistent with applicable requirements for reasonable further progress, attainment, or maintenance (whichever is relevant to the given plan). | Y Chapter 3 of the Ozone Redesignation Request and Maintenance Plan describes how the level of emissions contained in the motor vehicle budget, with all other emissions sources, will show maintenance through the year 2015 with a peak (one-hour) ozone concentration of 120 ppb in that year. We believe that the maintenance demonstration and modeling are adequate. |
| Sec. 93.118(e)(4)(v) | The plan shows a clear relationship between the emissions budget(s), control measures and the total emissions inventory. | Y The emission inventory for all point, area and motor vehicle sources, and its relation to control measures, is described on pages 3-1 through 3-11 of the plan. Extensive information on the development of the emission inventory is provided in Appendix A as well. |

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| Control Strategy or Maintenance SIP under Review: MAG 2004 Ozone Redesignation Request and Maintenance Plan | | Date of SIP Revision Receipt by EPA: 5/6/2004 |
| Reviewers: Wienke Tax, Scott Bohning | Date: 6/04 | |
| Adequacy Review Criteria | Is Criterion Satisfied? Y/N | Reference in SIP Document / Comments |
| Sec. 93.118(e)(4)(vi) | <p>Revisions to previously submitted control strategy or maintenance plans explain and document any changes to any previous submitted budgets and control measures; impacts on point and area source emissions; any changes to established safety margins (see 93.101 for definition), and reasons for the changes (including the basis for any changes to emission factors or estimates of vehicle miles traveled).</p> | <p>Y</p> <p>As described on page 3-15, the VOC emissions budgets supplement the 1996 VOC budget (87.1 metric tons per day) identified in the 1999 Revised ROP FIP effective August 5, 1999. The new VOC emissions budgets (71.9 metric tons per day for 2006 and 48.7 metric tons per day for 2015) represent daily motor vehicle emissions for a Tuesday in August in the interim year 2006 and the last year of the maintenance plan, 2015, respectively. The ozone redesignation request and maintenance plan contains NOx budgets for 2006 and 2015 of 104.8 mtpd and 53.6 mtpd, respectively.</p> |
| Sec. 93.118(e)(5) | <p>EPA has reviewed the State's compilation of public comments and response to comments that are required to be submitted with any implementation plan.</p> | <p>Y</p> <p>A public hearing was held on March 1, 2004. Oral comments were received during this hearing. Written comments were received as well. MAG responded to all of the comments in their submitted maintenance plan.</p> |